

## REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention.

Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated March 19, 2004 has been received and considered by the Applicants. Claims 1-2 are pending in the present application for invention. Claims 1-2 stand rejected by the March 19, 2004 Office Action.

The Office Action states that the Title of the Invention as not being descriptive. The foregoing amendment has modified the Title of the Invention to be more descriptive of the invention as recited by the claims.

The Office Action states that the suggested arrangement of the specification is provided in 37 C.F.R. 1.77(b). The Applicants respectfully decline to add section headings because they are not required by 37 C.F.R. 1.77(b).

The Office Action rejects Claims 1-2 under the provisions of 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the claims are generally narrative and indefinite. The foregoing amendment to claims has corrected these oversights.

The Office Action rejects Claims 1-2 under the provision of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,878,014 issued to Hoeven (hereinafter referred to as Hoeven). The Examiner states that Hoeven discloses the recited elements of the rejected claims. The Applicants respectfully disagree. Hoeven teaches that the writing power should be inversely proportional to the reflection. The rejected claims to the present invention recite elements define the subject matter that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode even if the other state is written. There is no disclosure, or suggestion, within Hoeven for using the reflection of only one of the states for controlling laser diode power even when the other state is written. The Applicants respectfully point out that the cited portions of Hoeven discuss recording in a phase change material in which the writing power is controlled to be a constant.

The reflection is measured in Hoeven is measured from side spot. The rejected claims recite that the reflection is measured from only one of the two states. The approaches are completely different. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 1-2 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,184,343 issued to Johann et al., (hereinafter referred to as Johann et al.). The Examiner states that Johann et al. disclose the recited elements of the rejected claims that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode. The Applicants would like to, respectfully, point out that the rejected claims recite that the reflection is measured of only one of the states even if the other state is written. Johann et al. teach a circuit that increases the power to an amount that is proportional to the reflected laser light. There is no disclosure, or suggestion, that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode even if the other state is written as recited by the rejected claims. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 1-2 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,333,909 issued to Zaima (hereinafter referred to as Zaima). The Examiner states that Zaima discloses the recited elements of the rejected claims that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode. The Applicants would like to, respectfully, point out that the rejected claims recite that the reflection is measured of only one of the states even if the other state is written. Zaima teaches the detection of a constant amplitude RF signal. The Applicants would like to, respectfully, point out that Zaima teaches that control amount of the laser power is based on the amplitude level of the information signal, specifically the amplitude of a high frequency signal or a DC component of the high frequency signal the reproduced information signal. There teachings of Zaima do not disclose, or suggest, that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode even if the other state is written as recited by the rejected claims. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 1-2 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,487,149 issued to Yokoi et al., (hereinafter referred to as Yokoi

et al.). The Examiner states that Yokoi et al. disclose the recited elements of the rejected claims that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode. The Applicants would like to, respectfully, point out that the rejected claims recite that the reflection is measured of only one of the states even if the other state is written. Yokoi et al. teach optimal proper recording power in accordance with a non-match portion or a match portion of the data signal. The teachings of Yokoi et al. do not disclose, or suggest, the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode as recited by the rejected claims. The Applicants would like to, respectfully, point out that Yokoi et al. employ wobble/prepit detection that is not at all similar to the reflection being measured for only one of the states and the measured value then used for controlling the power of the laser diode as recited by the rejected claims. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 1-2 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,600,712 issued to Matsui et al., (hereinafter referred to as Matsui et al.). The Examiner states that Matsui et al. teach the elements of the rejected claims. The applicants would like to, respectfully, point out Matsui et al. teach receiving reflection light during a period of time immediately after irradiation changes from the recording power to a non-recording power. The Applicants would like to, respectfully, point out that the receiving reflection light during a period of time immediately after irradiation changes from the recording power to a non-recording power as taught by Matsui et al is not equivalent to the reflection being measured for only one of the states and the measured value and then used for controlling the power of the laser diode even when the other state is being written as recited by the rejected claims. Moreover, Matsui et al states that the recording power of the irradiation is controlled according to the state of the recorded mark (see column 3, lines 32-36) which is fundamentally different from the recitation contained in the rejected claims of measuring for only one of the states and using the measured value for controlling the power of the laser diode even when the other state is being written. Therefore, this rejection is respectfully traversed.

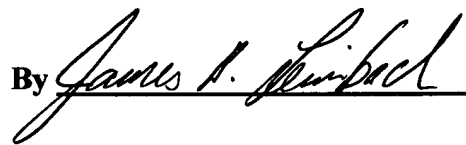
The foregoing amendment to the claims adds new claim 3-12 which are both generally of the same scope as original claims 1 and 2, and also further define the

invention as detailed in the specification to the present invention. Therefore, new claims 3-12 do not attempt to add new matter into the present invention.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

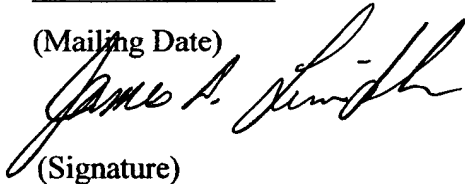
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: Non-Fee Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on: June 19, 2004

(Mailing Date)



(Signature)